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CORRES CONTROL	x	x
ADMIN RECORD/0801	X	X
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DOE ORDER # 5400.1

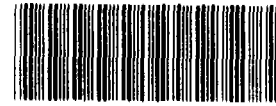
Department of Energy

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DOE-04830



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ADMIN RECORD

Gentlemen:

The U.S. Department of Energy (DOE) understands that efforts are presently ongoing to finalize a Consent Agreement that would complete the terms of Point 5 of the April 14, 1994, Informal Resolution of the Operable Unit No. 8 (OU 8) dispute. The Informal Resolution addressed OU 8, but also applied to the other Industrial Area (IA) OUs. We further understand that Point 5 was targeted for resolution by April 28, 1994. Notwithstanding the parties efforts, however, complete resolution of the OU 8 dispute and execution of the Consent Agreement by April 29, 1994 was not attained and DOE is in jeopardy for OU 9. We believe OU 8 dispute process is proceeding effectively. The DOE proposes, therefore, a two week extension of the targeted date to May 12, 1994, which allows sufficient time for the process to continue to resolve outstanding issues for OU 8 and the remaining IA OUs.

As a protective measure, however, and in the event that the dispute resolution for OU 8 is unsuccessful, DOE wishes to preserve its defense and its rights to dispute the April 14, 1994 Draft and Final Phase I RCRA Facility Investigation/Remedial Action Report modification and Table 6 milestone date extension denials on OU 9. The DOE seeks to reserve the right to dispute the decisions of Colorado Department of Health to deny DOE's March 17, 1994 request for modification to work under Part 32 of the Interagency Agreement (IAG) and request for schedule extension under Part 42 of the IAG.

Sincerely,

Jessie Roberson
Acting Assistant Manager for
Environmental Restoration



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M. Hestmark & G. Baughman
94-DOE-04830

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